

**REMARKS**

By this Amendment, claims 7-9, 11, 17, 25, 26, 29 and 33 are amended and claims 12, 27, and 31 are canceled. Accordingly, claims 3-9, 11, 13-15, 17-18, 22-26, 28-30, and 32-33 are pending in this application.

The Office Action rejects claims 3-9, 11-15, 17-18, 22-33 under 35 U.S.C. §103(a) over U.S. Patent No. 5,948,040 to DeLorme et al. ("DeLorme"). This rejection is respectfully traversed.

The rejection of claims 12, 27 and 31 are rendered moot by the cancellation of these claims as noted above.

Amendments to claims 7-9, 17, 26, 29 and 33 are to correct typographical errors and to conform to U.S. patent practice only and are not intended to add any limitations to the recited claims.

Independent claim 4 recites, *inter alia*, a first on-road mode and a second off-road mode wherein a less detailed desired cartographic entity is displayed in the on-road mode and a more detailed desired cartographic entity is displayed in the off-road mode. DeLorme fails to disclose, hint or suggest the foregoing.

Although the Office Action acknowledges that DeLorme fails to explicitly disclose selecting a more detailed desired cartographic entity in the off-road mode, the Office Action asserts that DeLorme discloses an "on the go" mode in which a user may retrieve detailed travel information while walking in a city, away from their vehicle, and during an off-road expedition. The Office Action further asserts that it would have been obvious to one of ordinary skill in the art to substitute the "off-road" mode and the "on-road" mode, as recited in claim 4, with

DeLorme's "on the go" mode, as shown in DeLorme's Fig. 1B-3, and DeLorme's Fig. 1B-1, respectively. Applicants respectfully disagree.

DeLorme is directed to a travel reservation information and planning system that generates "map ticket" output in various media, for guidance and transactions en route and may allow global positioning system (GPS) linked users to receive information based upon their location. Notwithstanding the assertions of the Office Action, nowhere does DeLorme disclose, teach or suggest a first operational mode, including an "on-road mode in which a vehicle position is displayed relative to a road system," and a second operational mode, including an "off-road mode in which the vehicle position is displayed irrelative to a road system." Indeed, nowhere does DeLorme even hint or suggest that the vehicle position is displayed, as recited in claim 4. More specifically, although the Office Action has listed numerous features and capabilities of the apparatus of DeLorme and its ability to display detailed information peripheral to the user, the Office Action notably fails to indicate where in the reference DeLorme discloses, teaches or suggests displaying a position of the vehicle, either in an on-road or off-road operational mode.

Furthermore, nowhere does DeLorme provide, disclose, suggest or hint at selection of a desired cartographic entity "for a cartographic feature based upon the operational mode." The foregoing operational modes are simply not suggested by DeLorme, and neither is selection of a desired cartographic entity for a cartographic feature based upon such operational modes. It should also be noted that to sustain a proper rejection, any "selection" must be performed by the system and/or methods specified in the alleged prior art, not by the person or user who uses the system, which has no bearing upon showing anticipation or obviousness in a proper rejection. DeLorme only discloses, at column 73, lines 25-63, and at column 77, lines 34-44 an apparatus whereby more detailed information may be presented to a user based solely upon request by the

user, and not based upon a selection by the system.

Furthermore, notwithstanding the Office Action assertions that Figs. 1B-1 and 1B-3 of DeLorme discloses an “on-road” mode and an “off-road” mode as recited in claim 4, Applicants submit the “Jolly Ginger’s” display 149 of Fig. 1B-3, cannot be construed as a more detailed cartographic entity but rather is a list of data items regarding a selected location. The term “cartography” as defined in Merriam-Webster's Online Dictionary, 10th Edition, refers to “the science or art of making or drawing maps,” and cannot be confused with restaurant specific data as illustrated by the “Jolly Ginger’s” illustration 149 of Fig. 1B-3.

Applicants respectfully submit that because the “Jolly Ginger’s” illustration 149 of Fig. 1B-3 is not, by operation of a second mode, a more detailed “cartographic entity” than a less detailed desired “cartographic entity” for the same cartographic feature as in the first mode, DeLorme fails to disclose, teach or suggest all the features recited in claim 4.

Furthermore, notwithstanding the lack of explicit or implicit disclosure of all claimed elements in the disclosure of DeLorme, Applicants respectfully submit that the substitution of the operational modes of DeLorme with those recited in claim 4 cannot render claim 4 obvious unless the prior art also suggest the desirability of the modification. Indeed, despite the Office Action’s assertions to the contrary, DeLorme’s Figs. 1B-1 and 1B-3 fail to disclose, teach or suggest two different operational modes and further fails to disclose where it would be beneficial for one mode to be able to select from more detailed “cartographic” entities. Applicants submit that the capability of a user of DeLorme’s apparatus to be “on the go” is not an operational mode, and were it to be considered an operational mode, is not a mode that DeLorme discloses, teaches or suggests would benefit from a more detailed cartographic entity than any other operational mode.

For example, DeLorme discloses, at column 73, lines 25-63, push button entry means by which a user may retrieve trip data and neither discloses, teaches, nor suggests whether any operational mode better suited than any other for accessing this data.

Accordingly, lacking both explicit or implicit disclosure of all claimed elements, as well as failing to suggest the desirability of a less detailed desired cartographic entity for a first mode and more detailed cartographic entity for a second mode, Applicants submit that claim 4 is patentable over the applied reference. Claims 3, 5 and 6 depend from this independent claim and are likewise patentable over the applied art for at least their dependence on an allowable base claim, as well as for the additional features they recite.

Regarding independent claim 7, the claim recites (a) a first operational mode is defined by a predetermined speed, and that (b) selecting of the desired cartographic entity for a cartographic feature is based upon reaching the predetermined vehicle speed in the first operation mode, and includes selecting a less detailed desired entity for the feature at the predetermined vehicle speed in the first mode, and (c) selecting a more detailed desired entity than the less detailed entity for the same feature in the second mode. DeLorme fails to disclose, hint or suggest the foregoing.

The Office Action asserts that the features of claim 7 are substantially similar to the features recited by claim 4, and based upon the arguments presented in the Office Action regarding claim 4, claim 7 is similarly disclosed by DeLorme. Applicants respectfully disagree.

In addition to the arguments presented above relative to claim 4, nowhere does DeLorme, hint or suggest a predetermined vehicle speed determining an operational mode and where selecting a cartographic entity is based upon reaching the predetermined speed, as recited in claim 7. Indeed, the only mention DeLorme makes regarding “speed” is, for example, at column

72, lines 2-7, in disclosing a GPS sensor that provides data on the user's current location, speed, and travel direction. Nowhere does DeLorme hint or suggest at a "predetermined vehicle speed," as recited in claim 7.

Accordingly, since DeLorme fails to disclose, teach or suggest each and every feature recited in independent claim 7, the rejection of claim 7 under 35 U.S.C. §103(a) is improper. Applicants respectfully submit, therefore, that independent claim 7 is patentable over DeLorme and request withdrawal of the rejection.

The rejection similarly fails for claim 8, where the claim features directed to the "vehicle speed" of claim 7, for the first operational mode, are similarly applied to a "panning mode." Again, nowhere are the claim recitations disclosed, taught, or suggested by DeLorme. DeLorme only discloses, at column 24, lines 52-57, the ability to pan or shift to other map locations and fails to hint or suggest "a panning mode in which a displayed area on the video display is shifted relative to a displayed vehicle location independent of a change in vehicle location," emphasis included, as recited in claim 8. Accordingly, withdrawal of the rejection of claim 8 is respectfully requested.

Next, turning to claim 9, the claim recites first and second operational modes and a less detailed desired cartographic entity is defined by a perimeter with cross-hatching disposed within the perimeter and a more detailed desired cartographic entity is defined by a perimeter with solid shading disposed within the perimeter. Nowhere does DeLorme disclose, teach or suggest the modes or cartographic entities, as recited in claim 9, and is allowable for at the least the foregoing reasons.

Turning to claim 11, the claim recites an on-road guidance mode comprising selecting a vehicle route having a first intensity and a second intensity for a second desired cartographic

entity which is different than the first entity. Further, claim 11 has been amended to recite wherein the operation mode comprises on-road guidance mode in which a vehicle position is displayed relative to a road system. As previously argued in regards to claim 4, DeLorme fails to disclose, teach or suggest an apparatus in which a vehicle position is displayed relative to a road system.

Accordingly, claim 11 is allowable. Claims 13-15 depend from this independent claim and are likewise patentable over the applied art for at least their dependence on an allowable base claim, as well as for the additional features they recite. Accordingly, withdrawal of this rejection is respectfully requested.

Referring now to claim 17, the claim recites a plurality of operational modes and a processor operable to select a less detailed desired cartographic entity for a cartographic feature in one mode and a more detailed desired cartographic entity than the less detailed cartographic entity for the same cartographic feature in a second mode, wherein the first operational mode comprises an on-road mode in which a vehicle position is displayed relative to a road system and the second operational mode comprises an off-road mode in which the vehicle position is displayed irrelative to a road system.

DeLorme fails to disclose, teach, or suggest the foregoing features. More specifically, as previously argued relative to claim 4 above, DeLorme fails to disclose a plurality of operational modes comprising less detailed and more detailed cartographic entities for the same cartographic feature, and notably fails to hint or suggest displaying the vehicle position.

Accordingly, claim 17 is allowable for the failure of DeLorme to disclose, teach or motivate all recited features of the claim. Claims 18, 22-24, and 32-33 depend from this independent claim and are likewise patentable over the applied art for at least their dependence

on an allowable base claim, as well as for the additional features they recite. Accordingly, withdrawal of this rejection is respectfully requested.

Amended claim 25 is similar to claim 11 and overcomes the rejection over DeLorme based upon the argument presented above relative to claim 11. Accordingly claim 25 is allowable for the failure of DeLorme to disclose, teach or motivate all recited features of the claim. Claims 26, 28-30, and 32-33 depend from this independent claim and are likewise patentable over the applied art for at least their dependence on an allowable base claim, as well as for the additional features they recite. Accordingly, withdrawal of this rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 3-9, 11, 13-15, 17-18, 22-26, 28-30, and 32-33 are earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

**LOWE HAUPTMAN & BERNER, LLP**

*Kenneth M. Berner*

Kenneth M. Berner

Registration No. 37,093

Customer Number: 22429  
1700 Diagonal Road, Suite 300  
Alexandria, Virginia 22314  
(703) 684-1111  
(703) 518-5499 Facsimile  
Date: June 7, 2006  
KMB/ERM/jd